

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 2889 of 2000**

Between:

Kodali Prasad S/o Venkatappaiah, aged 38 years

R/o Bhorpeta, Adoni, Kurnool district

**..... PETITIONER**

AND

1.Government of Andhra Pradesh, rep. By its

Prohibition & Excise Inspector

Bhadrachalam, Khammam district

2.Government of Andhra Pradesh, rep. By its

Deputy Commissioner, Prohibition & Excise, Warangal

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ order or direction, preferably a writ in the nature of Mandamus declaring the inaction of the respondents in not releasing the vehicle bearing No.AP 21 T 8343 as being illegal, arbitrary and violative of Art.14 of the Constitution of India and consequently direct the respondents to release the vehicle of the petitioner bearing No.AP 21 T 8343 forthwith.

**For the Petitioner: MR.P.VENUGOPAL, Advocate**

**For the Respondents: GP FOR PROHIBITION & EXCISE**

**The Court Made the Following :**

**W.P.No.2889 of 2000**

**ORDER:**

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Pending finalization of the confiscation proceedings before the Deputy Commissioner, Prohibition & Excise, Warangal, the petitioner filed an application for release of the vehicle bearing No.AP 21 T 8343, which was seized while transporting rectified spirit. On dismissal of the said application, the petitioner moved this Court by way of the present writ petition.

This Court while admitting the Writ petition, directed the respondents to release the vehicle on condition the petitioner furnishes bank guarantee for the value of the vehicle as assessed by the Regional Transport Officer and also gives his undertaking to produce the vehicle as and when required by the respondents and the same shall be subject to the result of the writ petition.

It is now stated that the said proceedings are not yet completed and the same are still pending.

In view of the same, the Deputy Commissioner of Prohibition and Excise, Warangal is hereby directed to proceed with the enquiry, pending before me, and conclude the same. The bank guarantee which was furnished by the petitioner shall be subject to the result of the enquiry, by the Deputy Commissioner of Prohibition & Excise in

CR.No.1861/99/P&E/B.4.

The writ petition is accordingly disposed of. No costs.

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2<sup>nd</sup> JULY 2004

BSS/KMR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Prohibition & Excise Inspector.Government of Andhra Pradesh,

Bhadrachalam, Khammam district

2. Deputy Commissioner, Prohibition & Excise, Government of Andhra Pradesh,

Warangal

3.2CCs to G.P. for Prohibition & Excise, High Court Buildings,

Hyderabad (OUT)

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